

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

UNITED STATES OF AMERICA,

v.

RUSSELL LUCIUS LAFFITTE,

Defendant.

Case No.: 9:22-cr-00658-RMG

**DEFENDANT RUSSELL LUCIUS LAFFITTE'S MOTION TO SEAL
SUPPLEMENTAL MOTION FOR NEW TRIAL AND PARTIAL REPLY TO
GOVERNMENT'S RESPONSE IN OPPOSITION**

Pursuant to Federal Rule of Criminal Procedure 49 and Local Criminal Rule 49.01 (D.S.C.), Defendant Russell Lucius Laffitte ("Mr. Laffitte"), by and through undersigned counsel, and with the consent of the Government respectfully moves to seal his Supplemental Motion for New Trial and Partial Reply to the Government's Response in Opposition to the Original Motion (ECF No. 238) ("Supplemental Motion and Reply"). A non-confidential descriptive index of the document at issues is attached as **Exhibit A**. Undersigned counsel certifies that this Motion complies with Local Criminal Rule 49.01 and such certification is attached in **Exhibit B**. *See* Criminal Rule 49.01(B)(2).

Mr. Laffitte respectfully submits that the Supplemental Motion and Reply should be filed under seal because it contains sensitive information about information about jurors, jury deliberations and potential influences on those deliberations, and information regarding Mr. Laffitte's interactions with trial counsel. *See also* ECF Nos. 230, 232, 240, and 242; *see also United States v. Nacchio*, No. 05-CR-00545-EWN, 2007 WL 9723305, at *3 (D. Colo. Jan. 25, 2007) (granting motion to seal documents related to juror information). Undersigned counsel has consulted with Assistant United States Attorney Emily Limehouse who, on behalf of the

government, takes no position at this time as she has not yet had the opportunity to review the Supplemental Motion and Reply.

Mr. Laffitte certifies the Supplemental Motion and Reply he seeks to seal meets the factors for sealing documents set out by the Fourth Circuit in *Ashcraft v. Conoco, Inc.* 218 F.3d 288, 302 (4th Cir. 2000), and *In re Knight Pub Co.*, 743 F.2d 231, 235 (4th Cir. 1984) as required by Local Criminal Rule 49.01(B)(1). Specifically:

1. Public notice of the request to seal and opportunity to object is afforded by virtue of this publicly filed Motion to Seal and the description of the subject document in the chart attached as **Exhibit A** hereto.
2. Confidential material appears throughout the subject document and therefore, redaction is not practical.
3. There is good reason to seal the requested documents. The material contained in the subject document involves confidential and sensitive information and the document does not relate to any important historical public event.

Accordingly, Claimant respectfully request that this Court grant Claimant leave to file under seal their Motion. All documents under seal will be submitted to the Court and to the government. A non-confidential descriptive index of the documents at issue is attached to this Motion as **Exhibit A**. Undersigned Counsel hereby certifies compliance with Local Criminal Rule 49.01, attached as **Exhibit B**.

[signature page follows]

Respectfully submitted,

s/Mark C. Moore

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